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AUG 10 1994

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BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
LOUIS DRETCHEN, R.P.	:	FINAL DECISION AND ORDER
LICENSE NO. 17759	:	
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy on the Complaint of DEBORAH T. PORITZ, ATTORNEY GENERAL OF NEW JERSEY, Marianne W. Greenwald, Deputy Attorney General, appearing. The Complaint, filed on April 8, 1994, alleged that respondent Louis Dretchen, R.P., on March 7, 1990, had been convicted in Rockland County Justice Court, New York of two counts of dispensing without a prescription and was sentenced to three years probation on each count, to run concurrently. The Complaint further alleged that on October 16, 1990, respondent pled guilty to the charge of grand larceny and insurance fraud in Rockland County, New York and was sentenced to a probationary term of five years and ordered to make restitution in the amount of \$11,300. The Complaint alleges that the aforementioned conduct constitutes

professional misconduct and conviction of crimes of moral turpitude or crimes relating adversely to the practice of pharmacy, therefore constituting grounds for the revocation or suspension of his license pursuant to N.J.S.A. 45:1-21 and N.J.S.A. 45:14-12.

The Complaint alleged that on December 19, 1990, respondent made application to the New Jersey Board of Pharmacy for renewal of his pharmacy license. On that application respondent was asked in two places whether he had been convicted of a crime within the past year and/or within the last renewal period. Respondent answered in the negative to both inquiries. Finally, the Complaint alleges that respondent's answers were untruthful, dishonest and deceptive in that respondent had just been convicted of crimes in March and October of 1990, and as such, the aforementioned conduct constituted professional misconduct pursuant to N.J.S.A. 45:1-21(e) and is violative of N.J.S.A. 45:1-21(b) by respondent's use of fraud, misrepresentation, dishonesty and deception in obtaining his renewal license.

Respondent, represented by Robert Wright, Esq., appeared before the Board of Pharmacy on July 13, 1994, and entered a plea of non vult and requested a hearing on the issue of mitigation of penalties. The Board of Pharmacy accepted the plea and at the same hearing considered the evidence for mitigation.

Respondent testified that his decision to dispense without prescriptions was a grave error in judgment and that he

had made full restitution in the grand larceny matter. Respondent stated that he was confident that this misconduct would never recur. He enrolled in counselling shortly after his conviction and has been involved in therapy in various degrees of frequency to the present time. A report from Kayetin Kurowski, C.S.W., indicated that respondent has responded well to treatment.

Helen Peller, a hypnosis counselor, testified on behalf of respondent and also submitted a report indicating that respondent was a client of her's since November 1993 and appears committed and motivated to therapy.

In addressing the issue of denying that he had been convicted on his renewal application, respondent testified that he interpreted the questions to mean was he convicted of any crime in the State of New Jersey.

Based upon review of the evidence and documents submitted, the Board invokes the following findings of facts:

Respondent was convicted in the State of New York of two counts of dispensing without a prescription on March 7, 1990, and pled guilty in the State of New York to a charge of grand larceny and insurance fraud on October 16, 1990.

Respondent, on December 19, 1990, answered in the negative on his renewal application to the following questions:

1. Have you been convicted or indicted of any crime since your last renewal?
2. Is there now pending against you any indictment or any alleged violation of any laws governing the practice of pharmacy, dispensing narcotics, alcohol, hypnotics or other regulated drugs, or have you been convicted of any crime within the

past year? Have you violated any state or federal laws governing the practice of pharmacy, the dispensing of alcohol or prescription drugs in the last year?

Based upon the above findings, the Board hereby makes the following conclusions of law:

The conviction of and guilty plea by respondent constitute convictions of crimes involving moral turpitude and relates adversely to the profession of pharmacy in violation of N.J.S.A. 45:1-21(a) and N.J.S.A. 45:14-D.

Respondent's answers on his renewal application were untruthful, dishonest and deceptive and, as such, constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e) and are violative of N.J.S.A. 45:1-21(b) in that they demonstrate respondent's use of fraud, misrepresentation, dishonesty and deception in obtaining his renewal license.

The Board concludes and finds serious violations resulting from respondent's aforementioned conviction and guilty plea. Further, it finds ample basis for action arising from his misrepresentation, dishonesty and deception in obtaining his renewal license. It further finds respondent to have acted in a manner inconsistent with the public health, safety and welfare.

The Board considered the entire record of the case, the nature of the violations, the testimony of the respondent and Ms. Peller, as well as the documentation entered into evidence at the mitigation hearing. While considering that the respondent had experienced a parentified childhood and that he appeared somewhat committed to the therapeutic process, the Board did not find that

these factors resulted in any substantial mitigating of penalties for the violations committed by respondent.

ACCORDINGLY, it is on this day of , 1994,

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby suspended for five years, the first two of which shall be an active suspension, the remainder of the suspension shall be stayed and served as a period of probation on the condition that the terms set forth in Paragraph 4 are met.

2. During such period of active suspension respondent shall not engage in the practice of pharmacy in any manner or form including but not limited to the following: he shall not be present in the prescription area of any pharmacy; he shall not handle, order, inventory, compound, fill, refill or dispense any drug; he shall not engage in the acceptance of any prescription in person by telephone; he shall not engage in the verification of refill authorization by telephone, he shall not advise or consult with any person concerning the properties and actions of drugs; he shall not handle or dispense prescriptions; he shall not type labels for prescriptions or enter information on profile cards.

3. Respondent shall surrender to the offices of the Board of Pharmacy, 124 Halsey Street, Newark, New Jersey, his license to practice pharmacy in this State immediately upon service of the within order.

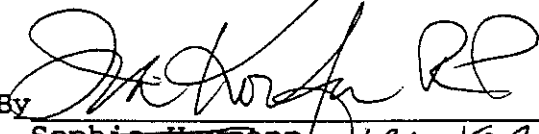
4. Respondent shall participate in counselling with a psychologist approved by the Board of Pharmacy. Frequency of

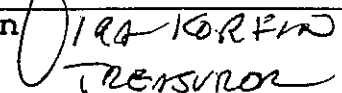
attendance shall be determined by the psychologist. Quarterly written reports addressing respondent's attendance and progress shall be submitted to the Board of Pharmacy. Just prior to the expiration of the active suspension, set forth in Paragraph One, respondent shall undergo a psychological evaluation and submit same to the Board. The Board, on receipt of said evaluation, will set down a date for the appearance of respondent before the Board or Committee, prior to the commencement of the probationary period set forth in Paragraph One.

5. Respondent shall pay a penalty of \$5,000 as a result of his deception, misrepresentation, fraudulent and dishonest responses on the renewal application.

6. Respondent shall be assessed costs for the investigation and hearing of this matter to be submitted by the deputy attorney general.

NEW JERSEY STATE BOARD OF PHARMACY

By 
Sophie Heymann
President


IRA Korfman
Treasurer